

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2964 - SB 3565

February 21, 2012

SUMMARY OF BILL: Requires the district attorney general (DAG) and the defendant to disclose in writing to the other party the name of any witnesses they may, rather than will, summon in the case. Requires the disclosure to occur within a reasonable time before trial. Authorizes the trial judge to prohibit the testimony of a witness whose name was not properly disclosed. Establishes the manner in which the judge may allow an undisclosed witness to testify. Requires the disclosure to identify any potential expert witness as such. Requires the judge to give a party time to seek an expert witness if the opposing party indicates it may summon an expert. Specifies how a disclosure of witnesses may be made. Directs that the defendant's name does not have to be disclosed in order to testify in the defendant's own defense or to invoke the privilege against self incrimination

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The indigent defendant will still be required to request the services of an expert witness by following the procedures required by Tennessee Supreme Court Rule 13, and is not automatically entitled to an appointment of an expert if the DAG discloses it may summon such a witness.
- Based upon information provided by the Administrative Office of the Courts, requiring the disclosure of potential witnesses' names will not affect the caseloads of the state trial and appellate courts.
- Based upon information provided by the District Attorneys General Conference and the Attorney General's Office, this bill will not affect their caseloads.
- The impact to state government is not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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